

BAKER & HOSTETLER LLP

45 Rockefeller Plaza
New York, NY 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Marc E. Hirschfield
Nicholas J. Cremona

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Adv. Pro. No. 08-01789 (SMB)

Plaintiff-Applicant,

SIPA LIQUIDATION

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

(Substantively Consolidated)

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Adv. Pro. No. 10-04738 (SMB)

Plaintiff,

v.

ROBERT D. REDSTON 1998 TRUST; DAVID
ISELIN, individually and in his capacity as Trustee
for the Robert D. Redston 1998 Trust; AUDREY
ISELIN; and TERESA COHEN,

Defendants.

NOTICE OF MEDIATOR SELECTION

On November 10, 2010, this Court entered the Order (1) Establishing Litigation Case Management Procedures for Avoidance Actions and (2) Amending the February 16, 2010 Protective Order (the “Order”)¹ [Adv. Pro. No. 08-01789 (SMB), Dkt. No. 3141]. Pursuant to the Notice of Applicability filed by Plaintiff Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”), in this Adversary Proceeding on December 1, 2010 [Dkt. No. 1], the Order and the avoidance procedures contained therein (the “Avoidance Procedures”) are applicable to the instant matter.

On April 17, 2014, Defendants filed a motion to dismiss this adversary proceeding [Dkt. No. 26] pursuant to Federal Rule of Civil Procedure 12(b)(6), made applicable by Bankruptcy Rule 7012 (a “Rule 12(b)(6) Motion”).

On May 13, 2014, the Trustee filed with this Court the Notice of Mediation Referral [Dkt. No. 33], pursuant to Paragraph 2D of the Avoidance Procedures, which specifies that upon the filing of a Rule 12(b)(6) Motion, the issues raised in such motion, together with the issues raised in the Complaint, are immediately referred to mediation. Avoidance Procedures, ¶2D.

Through this Notice of Mediator Selection, and pursuant to the Avoidance Procedures and the Mediation Order, made applicable to the Parties upon the filing of the Notice of Mediation Referral, the Parties hereby mutually select from the Mediation Register Ira Herman, from the law firm of Thompson & Knight, to act as Mediator in this matter. The Parties further agree to contact Mr. Herman as soon as practicable after this Notice of Mediator Selection is filed with the Court.

The Parties further agree that no person shall act as Mediator if that person, or that person's law firm, currently represents a party with respect to the BLMIS proceeding, unless the Parties provide prior written consent that the person may act as Mediator.

Pursuant to the Avoidance Procedures, the Parties agree that this mediation will conclude within 120 days from the date that this Notice of Mediator Selection is filed, unless that deadline is extended by mutual consent of the Parties and the Mediator.

[The remainder of this page is intentionally left blank.]

¹ All terms not defined herein shall be given the meaning ascribed to them in the Order.

Dated: May 27, 2014

Of Counsel:

Baker & Hostetler LLP
811 Main, Suite 1100
Houston, Texas 77002
Telephone: (713)751-1600
Facsimile: (713)751-1717
Dean D. Hunt
Email: dhunt@bakerlaw.com
Farrell A. Hochmuth
Email: fhochmuth@bakerlaw.com

/s/ Nicholas J. Cremona

Baker & Hostetler LLP
45 Rockefeller Plaza
New York, NY 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
e-mail: dsheehan@bakerlaw.com
Marc E. Hirschfield
e-mail: mhirschfield@bakerlaw.com
Nicholas J. Cremona
e-mail: ncremona@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
the Estate of Bernard L. Madoff*

/s/ Jeffrey L. Bernfeld

Bernfeld, DeMatteo & Bernfeld, LLP
600 Third Avenue, 15th Floor
New York, New York 10016
Telephone: (212) 661-1661
Facsimile: (212) 557-9610
Jeffrey L. Bernfeld
Email: jeffreybernfeld@bernfeld-dematteo.com

*Attorneys for Defendants Robert D. Redston 1998
Trust; David Iselin, individually and in his capacity
as Trustee for the Robert D. Redston 1998 Trust;
Audrey Iselin; and Teresa Cohen*